

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14931 of Stephen B. Shapiro, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 404.1), a variance from the side yard requirements (Sub-section 405.9), a variance from the provision which requires an equivalent front and rear yard for a principal structure which has no street frontage (Sub-section 2516.3), a variance from the off-street parking requirements (Sub-section 2101.1), and a variance from the minimum lot area and width of lot requirements (Sub-section 401.3) for a proposed theoretical subdivision, and second-story addition and conversion of an existing accessory garage to a single-family dwelling in an R-5-A District at premises 2402 and the rear of 2402 - 21st Place, N.E., (Square 4110, Lot 8).

HEARING DATE: February 8 and April 12, 1989
DECISION DATE: May 3, 1989

FINDINGS OF FACT:

1. The property is located on the west side of 21st Place, between Bryant and Channing Streets, and is known as premises 2402 - 21st Place, N.E. It is zoned R-5-A.
2. The property is rectangular in shape with a frontage of 40 feet along 21st Place and a depth of 108 feet for a total lot area of 4,320 square feet.
3. The property is currently improved with a two-story brick single family detached dwelling and a one-story brick detached four-bay garage which was constructed in approximately 1939.
4. The applicant proposes to construct a second story addition to the existing garage for purposes of converting the structure into a single family dwelling with an interior parking garage for one vehicle. The existing lot would be divided into two theoretical lots, each developed with a single family dwelling.
5. Sub-section 2516.1 of the Zoning Regulations permits the location of two or more principal buildings or structures on a single subdivided lot provided that the use, height, bulk and open space requirements are met. Where a principal building has no street frontage as determined by dividing the subdivided lot into theoretical building sites

for each principal building, the front shall be the side upon which the principal entrance is located. Open space in front of the entrance shall be provided equivalent to the required rear yard in the zone district in which the building is located and a rear yard is also required.

6. The theoretical building site at the rear of the site which would contain the garage conversion would have a total lot area of 2,060 square feet. The proposed dwelling would comply with the permitted lot occupancy and floor area ratio requirements.

7. The Zoning Regulations require the provision of eight foot side yards, a twenty foot rear yard, and an equivalent twenty foot front yard. The garage conversion would provide side yards measuring five and fifteen feet respectively, no rear yard and a ten foot front yard. Variances of 37.5% from the side yard requirement, 100 percent from the rear yard requirement, and 50% from the front yard requirement are therefore necessary for the theoretical building site containing the proposed garage conversion. The applicant amended his original proposal to include an interior parking space for one vehicle eliminating the need for a variance from the parking requirements.

8. The proposed theoretical building site containing the existing single family dwelling would be rendered nonconforming as to the rear yard. The Zoning Regulations require a minimum rear yard of twenty feet; a ten foot rear yard would be provided. In addition, the applicant does not propose to provide a parking space to serve the existing single family structure.

9. The existing garage was constructed approximately fifty years ago and pre-dates the adoption of the Zoning Regulations in 1958. The site abuts a 16 foot wide public alley to the east, a vacant lot to the south, a similarly shaped and sized lot improved with a single family dwelling to the west, and 21st Place to the north.

10. The applicant's representative testified that the configuration of the existing improvements and the inability of the applicant to purchase adjacent property to enlarge the area of the subject site creates a practical difficulty upon the owner. The applicant's representative further testified that the proposal would not adversely impact the use of adjoining and nearby property because there would be no alteration to the footprint of the structure and a currently unused and delapidated garage would be restored to a productive use.

11. The Office of Planning (OP), by memorandum, dated February 1, 1989, recommended that the application be

denied. The OP was of the opinion that the proposed conversion would create negative impacts on the surrounding properties in terms of noise, traffic, building density and access problems. The OP was further of the opinion that the requested relief is excessive and would impair the intent, purpose and integrity of the Zoning Regulations and Map for this section of the city. The Board concurs with the recommendation of the Office of Planning.

12. Advisory Neighborhood Commission (ANC) 5B did not submit a report regarding the subject application.

13. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires proof through substantial evidence of a practical difficulty upon the owner of the property arising out of some extraordinary or exceptional situation or condition of the property. The Board must further find that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. The Board concludes that the applicant has not met the burden of proof.

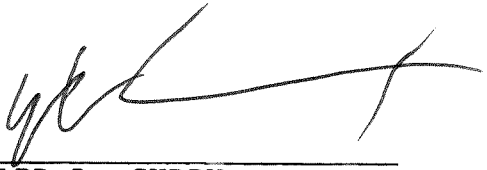
The Board concludes that there is no practical difficulty inherent in the property itself which would sustain the numerous area variances requested. The property, while developed prior to the adoption of the 1958 Zoning Regulations, is currently developed with a conforming single family dwelling and accessory garage. The proposed theoretical lot subdivision and conversion of the existing garage into a single family dwelling would result in the creation of a single family dwelling which does not conform to the front, side and rear yard requirements on the rear portion of the site; and would further render the existing single family dwelling on the front portion of the site nonconforming with regard to the rear yard and parking requirements. While the proposed conversion would not alter the footprint of the existing development on the site, the change in the use from an accessory garage to a principal dwelling unit could have negative impacts on the neighborhood in terms of building density, traffic, and access problems. The applicant's desire to provide additional affordable rental housing in the City is commendable, but it is not sufficient grounds to sustain the granting of the excessive variance relief requested. The Board further concludes that the proposed creation of two nonconforming dwellings on a site currently improved in conformance with the provisions of the Zoning Regulations is not in keeping with the intent and purpose of

the zone plan and map. Accordingly it is ORDERED that the application is hereby DENIED.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell, and Carrie L. Thornhill to deny; Lloyd Smith to deny by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 15 1990

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14931order/BHS27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 14931

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated OCT 15 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Stephen Shapiro
205 - 18th Street, S.E., #C
Washington, D.C. 20003

Michael Alan Finn
2402 Chain Bridge Road, N.W.
Washington, D.C. 20016

George A. Boyd, Chairperson
Advisory Neighborhood Commission 5-B
1355-57 New York Avenue, N.E.
Washington, D. C. 20002

A handwritten signature in dark ink, appearing to read "ELC", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: OCT 15 1990